

### REMARKS

Claim 1 is currently pending in the present application and stands rejected under 35 U.S.C. § 112 second paragraph, and under 35 U.S.C. § 103(a) as being unpatentable over Bergler, U.S. Patent No. 5,646,945 (Bergler '945) in view of Daswani, U.S. Patent No. 6,477,565 (Daswani '565).

As set forth, Applicants have amended the title, and updated information for references throughout the application. Further, after a careful review of the previously filed claims and the proposed new claims, Applicants respectively request reconsideration in view of the following remarks.

#### I. CLAIM REJECTIONS

Claim 1 has been amend to correct a minor typographical error to overcome the 35 U.S.C. § 112, second paragraph rejection.

Further, Claim 1 now recites "the data network telephone being operable to receive the at least one request for Internet services from the portable information device and to communicate information from the at least one Internet service to the portable information device while concurrently communicating the voice signal on the voice-over-data channel." Neither Bergler '945 nor Daswani '565 separately or in combination teach or suggest this claim limitation. And Applicants submit that to establish a *prima facie* case of obviousness, the cited references must teach or suggest all the claim limitations. (MPEP § 2142).

Bergler '945 teaches a telephone connected to a network, and also to a digital communications installation with handwriting recognition PDA through a V.24 interface. When an incoming call is received, the telephone determines whether the content of the received call is important enough to send a message to the called party who is located elsewhere, such as at the

PDA. (Bergler '945, Col. 5 lines 14-28). Bergler '945 solely teaches one form of communication between the telephone and the network at any given time. Consequently, the telecommunications system of Bergler '945 neither teaches nor suggests "the data network telephone being operable to ... communicate information from the at least one Internet service to the portable information device *while concurrently* communicating the voice signal on the voice-over-data channel," as in pending claim 1. (emphasis added).

In addition, Daswani '565 fails to make up for the shortcomings of Bergler '945. Daswani '565 teaches a system for disseminating records from Internet sources by collecting information in a first form in which the record is recorded at the Internet source, transforming the record to a second form specific to an application other than an Internet browser, and transmitting the transformed record to a client device (such as a PDA). (Daswani '565, Abstract). Daswani '565 does not mention whatsoever communicating "information from the at least one Internet service to the portable information device while concurrently communicating the voice signal on the voice-over-data channel," as in pending claim 1.

Consequently, since neither Bergler '945 nor Daswani '565 teach or suggest the above claim limitation, neither Bergler '945 nor Daswani '565 separately or in combination render claim 1 obvious.

## II. NEW CLAIMS

Applicant has added new claims 2-23, of which claims 7, 11, 15, and 23 are independent. No new matter has been added. Similar to claim 1 above, each of claims 7, 11, 15, and 23 includes a limitation not taught or suggested in either Bergler '945 or Daswani '565. For example, Claim 7 includes "wherein the data network telephone communicates received PID data packets to the portable information device while communicating the voice signals on the

data network telephone on a voice-over-data channel," Claim 11 includes "a portable information device data application operable to request and receive data from a data network through the voice communication device interface while the voice communication device is communicating voice signals over the data network," Claim 15 includes "wherein the voice-over-data channel for communicating the voice-over-data packets concurrently exists with the data channel for communicating data," and Claim 23 includes "the media engine further operable to concurrently maintain the voice-over-data channel for communicating the voice-over-data packets and the data channel for communicating data."

### III. SUMMARY

Applicants respectfully submit that, in view of the currently pending claims and remarks above, the present application, including claims 1-23, is now in condition for allowance and solicit action to that end.

If there are any additional matters which may be resolved through a telephone interview, the Examiner is respectfully requested to contact Applicants' undersigned representative.

Respectfully submitted,

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10/8/03

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